Remark

Applicants respectfully request reconsideration of this application as amended.

Claims 1, 10, 16-17 and 21-22 have been amended. No claims have been canceled.

Therefore, claims 1-22 are now presented for examination.

35 U.S.C. §103 Rejection,

Nelson in view of Melchione

The Examiner has rejected claims 1-4, 6-8, 10-12, 14-18 and 21-22 under 35

U.S.C. § 103(a) as being unpatentable over Nelson, U.S. Patent No. 5,835,720 ("Nelson")

in view of Melchione et al., U.S. Patent Application No. 2002/0091819 ("Melchione").

First, claim 1 recites "registering a first network device and a second network

device to a discovery policy server." Applicants are unable to find any registering

operation in either reference.

In addition, there is no discovery policy server in either reference with which to

register. Nelson at col. 5 line 39 discloses that "the network manager 40 builds its

hierarchical data structure by first accessing its own IP address table and local routing

table." Nelson at col. 6, lines 16-29 further discloses that "[t]he network manager uses

the routing table to find more routers and retrieve their tables until it has completed the

construction of the hierarchical data structure." Therefore, the network manager is not a

discovery policy server. Melchione at page 10, claim 1 discloses "a policy orchestrator

server . . . to determine a hierarchical tree structure containing the nodes based upon

location of each node in the network topology." Accordingly, the policy orchestration

server is also not a discovery policy server. Therefore, neither Nelson nor Melchione

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disclose "registering a first network device and a second network device to a discovery policy server" as recited by claim 1.

Second, claim 1 recites "receiving network discovery policies from the discovery policy server at the first and second network devices." Melchione at page 1, paragraph 10 discloses "determining policies for each node in the hierarchical tree structure to be enforced by an agent corresponding to each node. The policies . . . are [then] selectively inherited along the hierarchical tree structure." Melchione at page 5, paragraph 51 further discloses that a policy "may be . . . to scan all executable files for viruses, clean the file if possible or quarantine the file if the file cannot be cleaned upon detecting a virus, and send infection reports to the network administrator by default, . . . to report all infections to the local administrator and may be set at the location level [or] to delete any infected files of a specific user or local client device that may be set at the level of the specific user and/or specific local client device." Accordingly, the policies in Melchione are virus detection policies, not network discovery policies as in claim 1. Therefore, Melchione fails to disclose receiving network discovery policies from a discovery policy server at the first and second network devices as recited by claim-1.

Third, claim 1 recites "determine[ing] the topology of the network." Instead, Melchione determines a hierarchical tree structure *by using the network topology*, but does not actually "determine the topology of the network" as recited by claim 1. Absent any teaching of these three limitations of claim 1, in either reference, claim 1 is believed to be allowable.

Taken in combination the references still fail to teach or suggest the invention of claim 1. Nelson describes a network topology discovery system. Melchione describes an

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application configuring system that operates <u>based on</u> an already known network topology (para. 10, line 2; claim 1, line 10). The only combination suggested by the references, use Nelson to discover the network topology and Melchione to configure applications based on that topology. There is no motivation to modify the network application management system of Melchione to perform topology discovery.

Accordingly, Claim 1 is believed to be allowable over Nelson in view of Melchione. Claims 10 and 16 contain limitations similar to those discussed above with respect to Claim 1 and are believed to be allowable on the same grounds. The remaining claims depend from one of Claims 1, 10 and 16 and are believed to be allowable therefore as well as for the express limitations set forth in each claim respectively.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
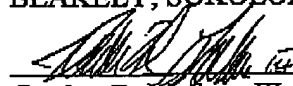
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: <u>December 22, 2005</u>

Gordon R. Lindeen III
Reg. No. 33,192

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1030
(303) 740-1980

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